

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Patent Application of:

Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2893

For: THIN-FILM CRYSTAL WAFER HAVING  
PN JUNCTION AND METHOD FOR  
FABRICATING THE WAFER

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Examiner: N. NGO

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**  
**UNDER 37 CFR §1.705(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Application for Patent Term Adjustment dated March 10, 2011 and Pursuant to 37 CFR §§ 1.705(b), the Applicants hereby request reconsideration of the patent term adjustment indicated on the Issue Notification for Application No. 10/046,739 (Exhibit 1). Specifically, while the Issue Notification indicates a patent term adjustment of 2276 days, Applicants submit that the patent term adjustment should correctly be 2948 days based on the following explanation.

**STATEMENT OF FACTS**

1. The Issue Notification, which issued in this case on March 23, 2011, indicated that the Patent Term Adjustment to date was 2276 days.
2. The U. S. Patent and Trademark Office's Patent Term Adjustment History, as indicated in the Patent Application Information Retrieval (PAIR) system indicates a Patent Term Adjustment due to 3924 days of USPTO delays minus 1648 overlapping days (see Exhibit 2).

3. The Patent Term Adjustment History, as indicated in the USPTO's PAIR system, does not accurately calculate the USPTO delays due in connection with the erroneous Restriction Requirement issued on July 23, 2004 (see Exhibit 3). The Restriction Requirement for this application was issued in response to the applicants' granted Petition to Withdraw the Holding of Abandonment. The applicant received an erroneous Notice of Abandonment dated July 28, 2003 (See Exhibit 4), for which a Petition to Withdraw the Holding of Abandonment was submitted on August 20, 2003 and granted on July 22, 2004 (See Exhibits 5 and 6).
4. A Second Submission of the Petition to Withdraw the Holding of Abandonment was submitted on May 4, 2005, after an additional erroneous Notice of Abandonment was received on April 8, 2005 (See Exhibit 7 and 8).
5. A Letter Resubmitting the May 4, 2005 Petition was subsequently filed on June 15, 2005.
6. A formal Status Inquiry was then filed on March 13, 2006 (See Exhibit 9).
7. A second formal Status Inquiry was filed again on May 22, 2009 (See Exhibit 10).
8. Decision on Petition to Withdraw the "second" Holding of Abandonment issued on July 30, 2009. The present Decision of grant did not specifically state "resetting of the period for response." (See Exhibit 11)
9. Applicant received a first non-final Office Action mailed on October 28, 2009 (See Exhibit 12). Ultimately, the restriction requirement was not upheld and therefore did not require a response from the applicant. Therefore, the first office action for this case was not received until receipt of the Non-final Office Action dated October 28, 2009.

Applicant should be entitled to PTA for all of the days from 14 months from filing the present application, namely, March 17, 2003; until the first Office Action issued on October 28, 2009.

Applicant did not cause any delay in the prosecution of the present application.

Accordingly, the correct Patent Term Adjustment should be 2948 days of prosecution delay (i.e., USPTO Delays of 4898 days less 1950 overlapping days, for a

Total Patent Term Adjustment of 2948 days), for the failure of the USPTO to provide an Office Action in the present application.

**COMPLIANCE WITH REQUIREMENTS OF  
37 CFR § 1.705(b)(1) AND (2)**

10. A statement of facts is presented above, detailing the relevant dates and the correct patent term adjustment.
11. The present patent is not subject to any Terminal Disclaimer or any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).
12. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

**CONCLUSION**

The USPTO is requested to correctly indicate that U.S. Application No. 10/046,739 is entitled to 2948 days of Patent Term Adjustment.

### PAYMENT OF FEES

As set forth in the attached Fee Transmittal, the Commissioner is hereby authorized to charge the amount of \$200.00 to Deposit Account No. 02-2448 for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: April 8, 2011

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000

Attachments  
Exhibits 1-12



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 10/046,739      | 04/12/2011 | 7923752    | 3885-0102P          | 2551             |

2292 7590 03/23/2011

BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
 (application filed on or after May 29, 2000)

The Patent Term Adjustment is 2276 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Hisashi Yamada, Tsukuba-shi, JAPAN;  
 Noboru Fukuhara, Tsukuba-shi, JAPAN;  
 Masahiko Hata, Tsuchiura-shi, JAPAN;

|            |   |                      |
|------------|---|----------------------|
| 10/046,739 | THIN-FILM CRYSTAL WAFER HAVING PN JUNCTION AND METHOD FOR FABRICATING THE WAFER | 04-07-2011::17:01:56 |
|------------|---|----------------------|

### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/046,739

|                        |            |  |      |
|------------------------|------------|--|------|
| Filing or 371(c) Date: | 01-17-2002 | Overlapping Days Between {A and B} or {A and C}: | 1648 |
| Issue Date of Patent:  | -          | Non-Overlapping USPTO Delays:                    | 2276 |
| A Delays:              | 1648       | PTO Manual Adjustments:                          | 0    |
| B Delays:              | 2276       | Applicant Delays:                                | 0    |
| C Delays:              | 0          | Total PTA Adjustments:                           | 2276 |

### Patent Term Adjustment History Explanation Of Calculations

| Number | Date       | Contents Description                            | PTO<br>(Days) | APPL<br>(Days) | Start |
|--------|------------|---|---------------|----------------|-------|
| 79.5   | 04-12-2011 | PTA 36 Months                                   | 2276          |                | 0.5   |
| 79     | 04-12-2011 | Patent Issue Date Used in PTA Calculation       | 205           |                | 71    |
| 78     | 03-17-2011 | Export to Final Data Capture                    |               |                | 0     |
| 77     | 03-16-2011 | Dispatch to FDC                                 |               |                | 0     |
| 76     | 03-16-2011 | Email Notification                              |               |                | 0     |
| 75     | 03-10-2011 | Mail-Petition Decision - Dismissed              |               |                | 0     |
| 74     | 03-09-2011 | Petition Decision - Dismissed                   |               |                | 0     |
| 73     | 05-07-2010 | Petition Entered                                |               |                | 0     |
| 72     | 05-21-2010 | Application Is Considered Ready for Issue       |               |                | 0     |
| 71     | 05-19-2010 | Issue Fee Payment Verified                      |               |                | 0     |
| 70     | 05-19-2010 | Issue Fee Payment Received                      |               |                | 0     |
| 69     | 05-05-2010 | Finished Initial Data Capture                   |               |                | 0     |
| 65     | 03-15-2010 | Mail Notice of Allowance                        |               |                | 0     |
| 64     | 03-10-2010 | Issue Revision Completed                        |               |                | 0     |
| 63     | 03-10-2010 | Notice of Allowance Data Verification Completed |               |                | 0     |
| 62     | 03-10-2010 | Case Docketed to Examiner in GAU                |               |                | 0     |
| 61     | 03-10-2010 | Document Verification                           |               |                | 0     |
| 60     | 03-01-2010 | Allowability Notice                             |               |                | 0     |

|    |            |  |      |    |
|----|------------|--|------|----|
| 59 | 02-23-2010 | Date Forwarded to Examiner   |      | 0  |
| 58 | 01-26-2010 | Response after Non-Final Action                                    |      | 0  |
| 57 | 10-28-2009 | Electronic Review  |      | 0  |
| 56 | 10-28-2009 | Email Notification   |      | 0  |
| 55 | 10-28-2009 | Mail Non-Final Rejection   | 1443 | 41 |
| 54 | 10-26-2009 | Non-Final Rejection  |      | 0  |
| 46 | 10-13-2009 | Case Docketed to Examiner in GAU                                   |      | 0  |
| 43 | 01-17-2002 | Information Disclosure Statement considered                        |      | 0  |
| 42 | 10-06-2009 | Date Forwarded to Examiner   |      | 0  |
| 41 | 07-15-2005 | Response to Election / Restriction Filed                           |      | 0  |
| 40 | 10-08-2009 | Mail Notice of Rescinded Abandonment                               |      | 0  |
| 39 | 10-06-2009 | Notice of Rescinded Abandonment in TCs                             |      | 0  |
| 38 | 10-02-2009 | Case Docketed to Examiner in GAU                                   |      | 0  |
| 37 | 05-22-2009 | Miscellaneous Incoming Letter                                      |      | 0  |
| 36 | 03-13-2006 | Miscellaneous Incoming Letter                                      |      | 0  |
| 35 | 01-25-2005 | Miscellaneous Incoming Letter                                      |      | 0  |
| 34 | 08-01-2009 | Email Notification   |      | 0  |
| 33 | 07-30-2009 | Mail-Petition to Revive Application - Granted                      |      | 0  |
| 32 | 07-29-2009 | Petition to Revive Application - Granted                           |      | 0  |
| 31 | 05-04-2005 | Petition Entered   |      | 0  |
| 30 | 01-17-2002 | Information Disclosure Statement (IDS) Filed                       |      | 0  |
| 29 | 04-08-2005 | Mail Abandonment for Failure to Respond to Office Action           |      | 0  |
| 28 | 04-06-2005 | Aband. for Failure to Respond to O. A.                             |      | 0  |
| 27 | 07-23-2004 | Mail Notice of Restarted Response Period                           |      | 0  |
| 26 | 07-23-2004 | Letter Restarting Period for Response (i.e. Letter re: References) |      | 0  |

|      |            |  |   |
|------|------------|--|---|
| 25   | 07-23-2004 | Mail Notice of Rescinded Abandonment   | 0 |
| 24   | 07-23-2004 | Notice of Rescinded Abandonment in TCs   | 0 |
| 23   | 07-22-2004 | Mail-Petition to Revive Application - Granted  | 0 |
| 22   | 08-20-2003 | Petition Entered   | 0 |
| 21   | 11-24-2003 | Request for Refund   | 0 |
| 20   | 02-26-2004 | File Marked Found  | 0 |
| 19   | 01-16-2004 | File Marked Lost   | 0 |
| 18   | 07-28-2003 | Mail Abandonment for Failure to Respond to Office Action   | 0 |
| 17   | 07-25-2003 | Aband. for Failure to Respond to O. A.   | 0 |
| 16   | 11-20-2002 | Mail Restriction Requirement   | 0 |
| 15   | 11-18-2002 | Restriction/Election Requirement   | 0 |
| 14   | 08-25-2002 | Receipt of all Acknowledgement Letters   | 0 |
| 13   | 01-17-2002 | Request for Foreign Priority (Priority Papers May Be Included)                                       | 0 |
| 12.7 | 01-17-2002 | Information Disclosure Statement (IDS) Filed   | 0 |
| 12   | 01-17-2002 | Information Disclosure Statement (IDS) Filed   | 0 |
| 11   | 05-09-2002 | Case Docketed to Examiner in GAU   | 0 |
| 10   | 05-02-2002 | Application Dispatched from OIPE   | 0 |
| 9    | 05-01-2002 | Application Is Now Complete  | 0 |
| 7    | 04-12-2002 | Additional Application Filing Fees   | 0 |
| 6    | 04-12-2002 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | 0 |
| 4    | 02-14-2002 | Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated                    | 0 |
| 3    | 02-07-2002 | IFW Scan & PACR Auto Security Review   | 0 |
| 2    | 01-26-2002 | IFW Scan & PACR Auto Security Review   | 0 |
| 1    | 01-17-2002 | Initial Exam Team nn   | 0 |
| 0.5  | 01-17-     | Filing date  | 0 |



2002

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/046,739      | 01/17/2002  | Hisashi Yamada       | 3885-0101P          | 2551             |

2292 7590 07/23/2004

BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

EXAMINER

TRINH, HOA B

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL

Examiner

Vikki H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.
- II. Claims 6-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device .

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Art Unit: 2814

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-2708.



Vikki Trinh,  
Patent Examiner  
AU 2814

November 17, 2002



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/046,739      | 01/17/2002  | Hisashi Yamada       | 3885-0101P          | 2551             |

2292 7590 07/28/2003

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

TRINH, HOA B

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

10/046,739

Examiner

Vikki H Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 November 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*Wael Labouf*  
SUPERVISORY EXAMINER  
TECHNOLOGY CENTER 1200

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

RECEIVED

OCT 11 2003

OFFICE OF THE SPECIAL  
PROGRAMS EXAMINERMS PETITION  
PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
 Appl. No.: 10/046,739 Group: 2814  
 Filed: January 17, 2002 Examiner: H. TRINH  
 For: THIN-FILM CRYSTAL WAFER HAVING PN  
 JUNCTION AND METHOD FOR FABRICATING THE  
 WAFER

RECEIVED

AUG 25 2003

PETITION UNDER 37 C.F.R. § 1.181  
 TO WITHDRAW THE HOLDING OF ABANDONMENT

OFFICE OF PETITIONS

## MS PETITION

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

August 20, 2003

Sir:

In response to the Notice of Abandonment dated July 28, 2003, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 28, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The

08/21/2003 HVUONG1-00000004 022448 10046739

01 FC:1460 130.00 DA

Adjustment date: 05/13/2004 EEKUBAYI  
 08/21/2003 HVUONG1 00000004.022448 10046739  
 01 FC:1460 130.00 CR



offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

**Exhibit I** is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

**Exhibit II** is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of February 20, 2003 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of February 20, 2003 which

corresponds to the current application, Attorney Docket No. 3885-0102P.

Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of February 20, 2003. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets and the manual docket book for the due date of February 20, 2003 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In

Appl. No. 10/046,739

the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/csm  
3885-0102P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)

(Rev. 04/30/03)

**RECEIVED**

**AUG 25 2003**

**OFFICE OF PETITIONS**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No. 10

Andrew D. Meikle  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

JUL 22 2004

|                              |   |                         |
|------------------------------|---|-------------------------|
| In re Application of:        | : |                         |
| Yamada, <i>et al.</i>        | : | DECISION ON PETITION TO |
| Application No. 10/046,739   | : | WITHDRAW HOLDING OF     |
| Filed: January 17, 2002      | : | ABANDONMENT             |
| For: THIN-FILM CRYSTAL WAFER | : |                         |
| HAVING PN JUNCTION AND       | : |                         |
| METHOD FOR FABRICATING THE   | : |                         |
| WAFER                        | : |                         |

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. ' 711.03(c).

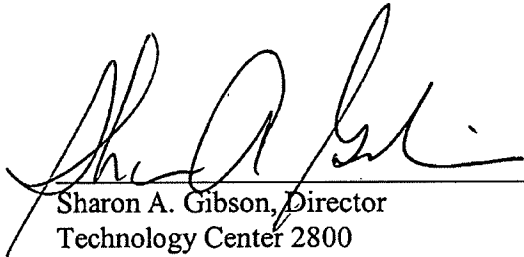
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.



Sharon A. Gibson, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components

JW  
DAE

MS PETITION  
PATENT  
3885-0102P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn  
JUNCTION AND METHOD FOR FABRICATING THE  
WAFER

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW THE HOLDING OF ABANDONMENT

**MS PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In response to the Notice of Abandonment dated April 4, 2005, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated April 4, 2005, indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action dated July 23, 2004.

However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of July 23, 2004 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

1. EVIDENCE

The fact that the Office Action of July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I and II attached hereto.

**Exhibit I** is a copy of the front page of the file jacket of Appl. No. 10/046,739 (which corresponds to Attorney Docket No. 3885-0102P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated July 23, 2004 on the front page of the file jacket of the above-referenced application.

**Exhibit II** is a copy of the computer-generated daily docket sheet(s) of Birch, Stewart, Kolasch & Birch, LLP for the date of August 21, 2004 through August 23, 2004 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, and Client Names, have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of August 23, 2004 which corresponds to the current application, Attorney Docket No. 3885-0102P.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of August 23, 2004 and did not locate an entry that corresponds to Appl. No. 10/046,739 to inventors Hisashi YAMADA et al..

2. TERMINAL DISCLAIMER

- ☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).
- ☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 C.F.R. § 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the



notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated July 23, 2004 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition.

Previous Petition Granted

Also enclosed is a Decision on Petition dated July 22, 2004, which granted a previous Petition to Withdraw Holding of Abandonment filed originally on August 20, 2003. Again, the reason was that the Office Action was not received. It is not understood why this is the case. However, it is noted that the most recent cover sheet for the Notice of Abandonment and Office Action which was faxed on April 4, 2005, includes a "white streak" which appears to remove one of the digits from the zip code of the address. Perhaps this has prevented the document from being delivered to our offices. As a final note, we receive about 40 pieces of mail from the USPTO each day, and we have not had any problems like the present situation in which the failure to receive a piece of mail occurred a second time.

Enclosed Reply to Office Action

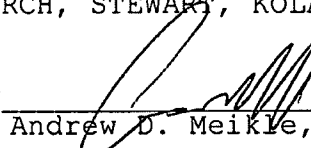
Since applicants have now received via facsimile the Office Action, i.e., the Restriction Requirement, a Reply to Restriction Requirement has been prepared and is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments:

Exhibit I - Copy of File Jacket  
Exhibit II - Copy of Docket Sheet  
Copy of Decision on Petition  
Copy of Office Action  
Reply to Restriction Requirement

10/046, 739

## I

PATENT NO. \_\_\_\_\_

ISSUED \_\_\_\_\_

PTA: \_\_\_\_\_ DAYS

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

SMALL

CLIENT COPIES 2

ENTITY \_\_\_\_\_  
(FILED)

CONFIRMATION NO.: 2557

SUPPLEMENTAL VOLUME(S) \_\_\_\_\_

INVENTOR Hisashi YAMADA, Noboru FUKUHARA, Masahiko HATA,

TITLE THIN-FILM CRYSTAL WATER HAVING pn JUNCTION AND METHOD  
FOR FABRICATING THE WATER

APPLICATION NO. 101046739 FILED: Jun. 17, 2012

PRIORITY CLAIMED Jan. 17, 2002 RECLAIMED \_\_\_\_\_ DRWGS. NO. OF SHEETS 3 (A4)

FOREIGN CASES JAPAN 2001-009143 JAN. 17, 2001

[illegible]

| ASSIGNMENT  | PARENT/OFFSPRING |
|---|------------------|
| FILED IN PTO <u>April 12, 2002</u>  |                  |
| TO <u>SUMITOMO CHEMICAL CO., LTD.</u>                                       |                  |
| ADDRESS _____   |                  |
| RECORDED <u>4112102</u> REEL <u>12784</u> FRAME(S) <u>796</u><br><u>799</u> |                  |

ADDRESS \_\_\_\_\_

RECORDED 4/12/02 REEL 12784 FRAME(S) 796  
799

3885-0102P

-000.1



gust 20, 2004  
21-Aug-2004  
23-Aug-2004  
Due Date List By Floor  
Page 37

| Action Due  | Docket Number/SubCase | Status | Client | App Number | App Date | Other  |
|-------------|-----------------------|--------|--------|------------|----------|--------|
| Action Type | Country               |        |        | Pat Number | Iss Date | Atty's |

Attorney(Attorney2): ADM ANDREW D. MEIKLE

|             |               |                          |                                    |  |             |     |
|-------------|---------------|--------------------------|------------------------------------|--|-------------|-----|
| 21-Aug-2004 | FIRST AMEND X | 0020-5206 /              | Published                          |  | 11-Dec-2003 | ADM |
| Due Date    | OAFI          | United States of America | AOYAMA & PARTNERS                  |  |             | ADM |
|             |               |                          | Title: MULTI-PIECE SOLID GOLF BALL |  |             |     |

|             |          |                          |                       |  |             |     |
|-------------|----------|--------------------------|-----------------------|--|-------------|-----|
| 21-Aug-2004 | DRAWINGS | 0229-0697 /              | Published             |  | 23-May-2002 | ADM |
| Reminder    | OADR     | United States of America | Naemura & Co.         |  |             | ADM |
|             |          |                          | Title: PNEUMATIC TIRE |  |             |     |

Slow Pay - See Managing Partner  
Remarks: OA MAILED 6/21/04

|             |                 |                          |                                 |  |             |     |
|-------------|-----------------|--------------------------|---------------------------------|--|-------------|-----|
| 21-Aug-2004 | FIRST AMENDMENT | 0229-0726 /              | Published                       |  | 14-Nov-2002 | ADM |
| Due Date    | OAFI            | United States of America | Naemura & Co.                   |  |             | ADM |
|             |                 |                          | Title: IRON-TYPE GOLF CLUB HEAD |  |             |     |

Slow Pay - See Managing Partner

|             |               |                          |   |  |             |     |
|-------------|---------------|--------------------------|---|--|-------------|-----|
| 21-Aug-2004 | FIRST AMEND X | 0630-2009 / 2            | Pending   |  | 22-Jun-2001 | JTE |
| Due Date    | oaf1          | United States of America | Park, Kim & Partner                                 |  |             | ADM |
|             |               |                          | Title: PLASMA POLYMERIZATION ON SURFACE OF MATERIAL |  |             |     |

Slow Pay - See Managing Partner  
Remarks: per PAIR 4-26-04

|             |                             |                          |                           |  |             |     |
|-------------|-----------------------------|--------------------------|---------------------------|--|-------------|-----|
| 21-Aug-2004 | Information Disclosure Stmt | 3673-0176 / 1            | Pending                   |  | 21-May-2004 | ADM |
| Due Date    |                             | United States of America | OKA & PARTNERS            |  |             | ADM |
|             |                             |                          | Title: MOLD FOR GOLF BALL |  |             |     |

|             |                             |                          |                                   |  |             |     |
|-------------|-----------------------------|--------------------------|-----------------------------------|--|-------------|-----|
| 21-Aug-2004 | IDS Reminder                | 3673-0179 / 1            | Pending                           |  | 21-Jun-2004 | ADM |
| Reminder    | Information Disclosure Stmt | United States of America | OKA & PARTNERS                    |  |             | ADM |
|             |                             |                          | Title: TIRE PROFILE DESIGN METHOD |  |             |     |

|             |                             |                          |   |  |             |     |
|-------------|-----------------------------|--------------------------|---|--|-------------|-----|
| 22-Aug-2004 | IDS Reminder                | 3673-0180 / 1            | Pending                                     |  | 22-Jun-2004 | ADM |
| Reminder    | Information Disclosure Stmt | United States of America | OKA & PARTNERS                              |  |             | ADM |
|             |                             |                          | Title: APPARATUS FOR MEASURING A TRAJECTORY |  |             |     |

|             |                 |                          |   |  |             |     |
|-------------|-----------------|--------------------------|---|--|-------------|-----|
| 23-Aug-2004 | PET W/DRW ABAND | 0020-4230 /              | PENDING                                       |  | 29-May-1997 | ADM |
| Final       | PWA             | United States of America | AOYAMA & PARTNERS                             |  |             | ADM |
|             |                 |                          | Title: GOLF BALL                              |  |             |     |
|             |                 |                          | Remarks: Notice of Abandonment mailed 6-24-04 |  |             |     |

23-AUG-2004

| Due Date Indicator  | Action Due Action Type                        | Docket Number/SubCase Country  | Status Client                    | App Number Pat Number | App Date Iss Date | Other Atty's |
|---|---|--|----------------------------------|-----------------------|-------------------|--------------|
| 23-Aug-2004   | IDS Reminder Information Disclosure Statement | 0229-0811 / 1 United States of America   | Pending Naemura & Co.            | [REDACTED]            | 23-Jun-2004       | ADM ADM      |
| Title: RAW TIRE FORMING APPARATUS AND RAW TIRE FORMING METHOD   |   |  |                                  |                       |                   |              |
| Slow Pay - See Managing Partner   |   |  |                                  |                       |                   |              |
| 23-Aug-2004   | PERFECT FILING                                | 0229-0815 / 1 United States of America   | Pending Naemura & Co.            | [REDACTED]            | 23-Jul-2004       | ADM ADM      |
| Reminder  | PF  | Title: ARCHITECTURAL STRUCTURE   |                                  |                       |                   |              |
| Slow Pay - See Managing Partner   |   |  |                                  |                       |                   |              |
| 23-Aug-2004   | PERFECT FILING                                | 0229-0816 / 1 United States of America   | Pending Naemura & Co.            | [REDACTED]            | 23-Jul-2004       | ADM ADM      |
| Reminder  | PF  | Title: METHOD OF SIMULATING VISCOELASTIC MATERIAL  |                                  |                       |                   |              |
| Slow Pay - See Managing Partner   |   |  |                                  |                       |                   |              |
| 23-Aug-2004   | ISSUE FEE-2 DAYS                              | 0760-0309 / United States of America   | Published Tanigawa & Associates  | [REDACTED]            | 30-May-2002       | ADM ADM      |
| Reminder  | IF  | Title: AGENT FOR IMPROVING LEARNING AND/OR MEMORY  |                                  |                       |                   |              |
| Remarks: PUB FEE  |   |  |                                  |                       |                   |              |
| 23-Aug-2004   | RESTRICT REQ                                  | 3673-0155 / United States of America   | Pending OK & PARTNERS            | [REDACTED]            | 25-Jul-2003       | ADM ADM      |
| Due Date  | RQ  | Title: GOLF BALL AND GOLF BALL MANUFACTURING METHOD  |                                  |                       |                   |              |
| Remarks: PUB FEE  |   |  |                                  |                       |                   |              |
| 23-Aug-2004   | IDS - 2 WEEK                                  | 3885-0107 / United States of America   | Published M. TAKANO & ASSOCIATES | [REDACTED]            | 08-Jul-2003       | ADM ADM      |
| Due Date  | IDS-2WK                                       | Title: EPITAXIAL SUBSTRATE FOR COMPOUND SEMICONDUCTOR LIGHT-EMITTING DEVICE, METHOD FOR PRODUCING THE SAME AND LIGHT-EMITTING DEVICE |                                  |                       |                   |              |
| Remarks: Fax re: UK Search Report and cited refs rec'd 8-9-04; originals rec'd 8-13-04 (SR mailed 7-5-04) |   |  |                                  |                       |                   |              |
| Action Attorney(Attorney2): DRM DAVID R. MURPHY   |   |  |                                  |                       |                   |              |
| 23-Aug-2004   | ISSUE FEE-2 DAYS                              | 0171-0912 / United States of America   | Published Kojima Patent Office   | [REDACTED]            | 19-Nov-2002       | GMM GMM      |
| Reminder  | IF  | Title: ELECTROSTATIC IMAGE DEVELOPER   |                                  |                       |                   |              |
| Remarks: PUB FEE  |   |  |                                  |                       |                   |              |
| Action Attorney(Attorney2): ETP EUGENE T. PEREZ   |   |  |                                  |                       |                   |              |



Page: 40

23-Aug-2004

| Due Date                        | Action Due                    | Docket Number/SubCase   | Status               | App Number | App Date    | Other  |
|---------------------------------|-------------------------------|---|----------------------|------------|-------------|--------|
| Indicator                       | Action Type                   | Country   | Client               | Pat Number | Iss Date    | Atty's |
| 22-Aug-2004                     | IDS Reminder                  | 0171-1118 / 1   | Pending              |            | 22-Jun-2004 | GMM    |
| Reminder                        | Information Disclosure Submit | United States of America  | Kojima Patent Office |            |             | GMM    |
|                                 |                               | Title: PATTERNING PROCESS AND UNDERCOAT-FORMING MATERIAL.                   |                      |            |             |        |
| 22-Aug-2004                     | TRANSLATION-6MONTH            | 2870-0269 /   | Pending              |            | 22-Oct-2003 | GMM    |
| Reminder                        | TRAN                          | United States of America  | SIKS & Co.           |            |             | GMM    |
|                                 |                               | Title: T CELL ACTIVATING GENE   |                      |            |             |        |
| 23-Aug-2004                     | TRANSLATION                   | 0020-5119 /   | Abandoned            |            | 27-Feb-2003 | GMM    |
| Final                           | TRAN                          | United States of America  | AOYAMA & PARTNERS    |            |             | GMM    |
|                                 |                               | Title: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DRUG DEPENDENCE          |                      |            |             |        |
|                                 |                               | Remarks: FILE ENGLISH TRANSLATION OF PROVISIONAL                            |                      |            |             |        |
|                                 |                               | dms 6-25-04, 7/16   |                      |            |             |        |
| 23-Aug-2004                     | IDS                           | 2801-0184 / 2   | Pending              |            | 14-Apr-2004 | GMM    |
| Due Date                        | IDS2                          | United States of America  |                      |            |             | GMM    |
|                                 |                               | Title: PROCESS FOR MANUFACTURING A METERED DOSE INHALER                     |                      |            |             |        |
|                                 |                               | Remarks: per dms 4/14/04, 6/14, per d sheet 6/25/04, 7/2/04, 7/9/04, 8/9/04 |                      |            |             |        |
| Slow Pay - See Managing Partner |                               |   |                      |            |             |        |
| 23-Aug-2004                     | CONVERT PROV-1 Month call-up  | 4951-0101 / 1   | Pending              |            | 23-Sep-2003 | GMM    |
| Reminder                        | File Application              | United States of America  |                      |            |             | GMM    |
|                                 |                               | Title: PREPARATION METHOD   |                      |            |             |        |
| 23-Aug-2004                     | Foreign Filing-1Month         | 4951-0101 / 1   | Pending              |            | 23-Sep-2003 | GMM    |
| Reminder                        | Foreign Filing                | United States of America  |                      |            |             | GMM    |
|                                 |                               | Title: PREPARATION METHOD   |                      |            |             |        |
| 23-Aug-2004                     | Foreign Filing-1Month         | 4951-0102 / 1   | Pending              |            | 23-Sep-2003 | GMM    |
| Reminder                        | Foreign Filing                | United States of America  |                      |            |             | GMM    |
|                                 |                               | Title: PREPARATION METHOD   |                      |            |             |        |
| 23-Aug-2004                     | CONVERT PROV-1 Month call-up  | 4951-0102 / 1   | Pending              |            | 23-Sep-2003 | GMM    |
| Reminder                        | File Application              | United States of America  |                      |            |             | GMM    |
|                                 |                               | Title: PREPARATION METHOD   |                      |            |             |        |

Friday, August 20, 2004

Due Date List By Floor

Page 41

Floor 5th

21-Aug-2004

To

23-Aug-2004

| Due Date                  | Action Due                    | Docket Number/SubCase    | Status  | App Number | App Date    | Other |
|---------------------------|-------------------------------|--------------------------|---------|------------|-------------|-------|
| Indicator                 | Action Type                   | Country                  | Client  | Pat Number | Iss Date    | Attys |
| 23-Aug-2004               | Foreign Filing-1Month         | 4951-0103 / 1            | Pending |            | 23-Sep-2003 | GMM   |
| Reminder                  | Foreign Filing                | United States of America |         |            |             | GMM   |
| Title: PREPARATION METHOD |                               |                          |         |            |             |       |
| 23-Aug-2004               | CONVERT PROV.-1 Month call-up | 4951-0103 / 1            | Pending |            | 23-Sep-2003 | GMM   |
| Reminder                  | File Application              | United States of America |         |            |             | GMM   |
| Title: PREPARATION METHOD |                               |                          |         |            |             |       |

Action Attorney(Attorney2): JWB JOHN W. BAILEY

21-Aug-2004 FIRST AMENDMENT 0152-0549 / PENDING 26-Jan-2001 JWB

Due Date OAF1 United States of America Asamura Patent Office JWB

Title: NON-CONTACT IC MODULE

21-Aug-2004 ISSUE FEE-1 MONTH 0649-0815 / PENDING 21-Dec-2001 RCS

Reminder IF United States of America NGB Corporation JWB

NOTED

Title: RESIN COMPOSITION

Remarks: PUB FEE

22-Aug-2004 PERFECT FILING 0425-1124 / 1 Pending 07-Apr-2004 JWB

Due Date PF United States of America FURUYA & CO. JWB

Filed

8/20

Title: LIQUID DETERGENT COMPOSITION

Remarks: NOTICE TO FILE MISSING PARTS MAILED 6/22/04  
OATH OR DECLARATION DUE

22-Aug-2004 AMENDMENT XX 1422-0371 / PENDING 05-Mar-1999 JWB

Due Date OAI United States of America HOSODA INTERNATIONAL JWB

EXTEND

Title: DETERGENT PARTICLES, PROCESS FOR PREPARING THE SAME, AND DETERGENT  
COMPOSITION HAVING HIGH BULK DENSITY

23-Aug-2004 IDS Reminder 3349-0106 / 2 Pending 23-Jun-2004 JWB

Reminder Information Disclosure Stmt. United States of America Kanetsaka & Sakai JWB

NOTED

Title: COMPOUND HAVING PHENYLACETYLENE STRUCTURE, LIQUID CRYSTAL COMPOSITION,  
POLYMER, OPTICALLY ANISOTROPIC PRODUCT, OPTICAL OR LIQUID CRYSTAL ELEMENT,  
DIBENZOTHIOPHENE COMPOUND...

Action Attorney(Attorney2): KJR KECIA J REYNOLDS



Page 46

23-AUG-2004

| Due Date Indicator  | Action Due Action Type     | Docket Number/SubCase Country           | Status Client                  | App Number Pat Number | App Date Iss Date | Other Atty's |
|---|----------------------------|---|--------------------------------|-----------------------|-------------------|--------------|
| 22-Aug-2004<br>Final  | DRAWINGS XXX<br>OADR       | 0020-4925 /<br>United States of America | Published<br>AOYAMA & PARTNERS | [REDACTED]            | 14-Nov-2001       | ADM<br>KJR   |
| <i>Not Filing</i><br><i>Title: GOLF BALL</i><br><i>Remarks: oa mailed 2/23/04</i>                                 |                            |   |                                |                       |                   |              |
| 22-Aug-2004<br>Final  | AMENDMENT XXX<br>OAI       | 0020-4925 /<br>United States of America | Published<br>AOYAMA & PARTNERS | [REDACTED]            | 14-Nov-2001       | ADM<br>KJR   |
| <i>Filing</i><br><i>Title: GOLF BALL</i>  |                            |   |                                |                       |                   |              |
| 23-Aug-2004<br>Final  | DRAWINGS XXX<br>OADR       | 0020-4925 /<br>United States of America | Published<br>AOYAMA & PARTNERS | [REDACTED]            | 14-Nov-2001       | ADM<br>KJR   |
| <i>Not Filing</i><br><i>Title: GOLF BALL</i><br><i>Remarks: oa mailed 2/23/04</i>                                 |                            |   |                                |                       |                   |              |
| 23-Aug-2004<br>Final  | AMENDMENT XXX<br>OAI       | 0020-4925 /<br>United States of America | Published<br>AOYAMA & PARTNERS | [REDACTED]            | 14-Nov-2001       | ADM<br>KJR   |
| <i>Filing</i><br><i>Title: GOLF BALL</i>  |                            |   |                                |                       |                   |              |
| <b>Action Attorney(Attorney2): KLR KRISTIL RUPERT</b>   |                            |   |                                |                       |                   |              |
| 21-Aug-2004<br>Due Date   | IDS<br>IDS1                | 0020-5172 /<br>United States of America | Pending<br>AOYAMA & PARTNERS   | [REDACTED]            | 25-Aug-2003       | ADM<br>KLR   |
| <i>File</i><br><i>Title: METHOD FOR IN VITRO CULTURE OF LYMPHOCYTES AND COMPOSITION FOR USE IN IMMUNE THERAPY</i> |                            |   |                                |                       |                   |              |
| <i>Remarks: Supp EP Search Report and refs rec'd 8-11-04 (SR mailed 7-22-04)</i>                                  |                            |   |                                |                       |                   |              |
| 21-Aug-2004<br>Reminder   | SPECIAL LETTER<br>SPL1     | 0475-0215 /<br>United States of America | Published<br>Abitz & Partner   | [REDACTED]            | 18-Mar-2003       | ADM<br>KLR   |
| <i>NOTED</i><br><i>Title: POLYMERIZABLE COMPOSITIONS BASED ON EPOXIDES</i>  |                            |   |                                |                       |                   |              |
| 23-Aug-2004<br>Final  | TO BE FILED ACTUAL<br>TBFA | 0020-4546 /<br>United States of America | PENDING<br>AOYAMA & PARTNERS   | [REDACTED]            | 09-Jun-1999       | DRN<br>KLR   |
| <i>year 5 filing</i><br><i>Title: NOVEL SEMAPHORIN GENE: SEMAPHORIN W</i>   |                            |   |                                |                       |                   |              |
| <i>Remarks: FILE DIVISIONAL per fax dated 7-23-04, per dms 8/18/04</i>  |                            |   |                                |                       |                   |              |
| 23-Aug-2004<br>Due Date   | FIRST AMEND XX<br>OAF1     | 0020-4764 /<br>United States of America | PENDING<br>AOYAMA & PARTNERS   | [REDACTED]            | 27-Oct-2000       | GMM<br>KLR   |
| <b>EXTEND</b><br><i>Title: METHOD FOR GIVING RESISTANCE TO WEED CONTROL COMPOUNDS TO PLANTS</i>                   |                            |   |                                |                       |                   |              |

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22-Aug-2004

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| Due Date                        | Action Due  | Docket Number/SubCase    | Status                             | App Number | App Date    | Other  |
|---------------------------------|---|--------------------------|------------------------------------|------------|-------------|--------|
| Indicator                       | Action Type   | Country                  | Client                             | Pat Number | Iss Date    | Atty's |
| 23-Aug-2004                     | IDS   | 0760-0290 /              | PENDING                            |            | 25-May-2001 | GMM    |
| Due Date                        | IDS2  | United States of America | Tanigawa & Associates              |            |             | KLR    |
|                                 | Title: NUCLEIC ACID FRAGMENTS, RECOMBINANT VECTORS CONTAINING THE SAME AND METHOD FOR PROMOTING EXPRESSION OF STRUCTURAL GENES USING THE SAME |                          |                                    |            |             |        |
|                                 | Remarks: Supp EP Search Report and refs rec'd 8-2-04 (SR mailed 6-14-04), per d sheet 8/16/04   |                          |                                    |            |             |        |
| 23-Aug-2004                     | NOA XX  | 1422-0493 /              | PENDING                            |            | 26-Sep-2001 | MSW    |
| Due Date                        | NOA   | United States of America | HOSODA INTERNATIONAL PATENT OFFICE |            |             | KLR    |
|                                 | Title: CERAMIDASE GENE  |                          |                                    |            |             |        |
| 23-Aug-2004                     | RESPONSE  | 1422-0541 /              | Pending                            |            | 03-Jul-2002 | MSW    |
| Due Date                        | RS  | United States of America | HOSODA INTERNATIONAL PATENT OFFICE |            |             | KLR    |
|                                 | Title: METHOD FOR EFFECTING SITE-DIRECTED MUTAGENESIS   |                          |                                    |            |             |        |
|                                 | Remarks: Interview Summary mailed 7-23-04   |                          |                                    |            |             |        |
|                                 | STATEMENT OF THE SUBSTANCE OF THE INTERVIEW   |                          |                                    |            |             |        |
| 23-Aug-2004                     | NOA XXX   | 2520-0120 /              | PENDING                            |            | 05-Feb-2001 | JWB    |
| Final                           | NOA   | United States of America | Hirose Patent Office               |            |             | KLR    |
|                                 | Title: PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR  |                          |                                    |            |             |        |
| Slow Pay - See Managing Partner |   |                          |                                    |            |             |        |
| 23-Aug-2004                     | FINAL XXX   | 2520-0120 /              | PENDING                            |            | 05-Feb-2001 | JWB    |
| Final                           | FIN1  | United States of America | Hirose Patent Office               |            |             | KLR    |
|                                 | Title: PREPARATIONS FOR ADMINISTRATION OF HEPATOCYTE GROWTH FACTOR  |                          |                                    |            |             |        |
| Slow Pay - See Managing Partner |   |                          |                                    |            |             |        |
| 23-Aug-2004                     | FINAL XX  | 2962-0120 /              | Pending                            |            | 26-Feb-1997 | GMM    |
| Due Date                        | FIN1  | United States of America |                                    |            |             | KLR    |
|                                 | Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA                                      |                          |                                    |            |             |        |
| 23-Aug-2004                     | NOA XX  | 2962-0120 /              | Pending                            |            | 26-Feb-1997 | GMM    |
| Due Date                        | NOA   | United States of America |                                    |            |             | KLR    |
|                                 | Title: SEQUENCE BASED MUTATION ANALYSIS OF NEOPLASTIC TISSUE FOR DIAGNOSIS OR PROGNOSIS OF THE NEOPLASIA                                      |                          |                                    |            |             |        |

Action Attorney(Attorney2): KR KALPANA REDDY

Friday, August 20, 2004

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26-Aug-2004

| Due Date Indicator  | Action Due Action Type              | Docket Number/SubCase Country           | Status Client                       | App Number Pat Number | App Date Iss Date | Other Atty's |
|---|-------------------------------------|---|-------------------------------------|-----------------------|-------------------|--------------|
| 21-Aug-2004<br>Reminder   | DRAWINGS-1 MONTH<br>DR3             | 0365-0502 /<br>United States of America | Published<br>Seppo Laine Oy         | [REDACTED]            | 27-Apr-2001       | LRS<br>KR    |
| <i>Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE</i> |                                     |   |                                     |                       |                   |              |
| 21-Aug-2004<br>Reminder   | ISSUE FEE-1 MONTH<br>IF             | 0365-0502 /<br>United States of America | Published<br>Seppo Laine Oy         | [REDACTED]            | 27-Apr-2001       | LRS<br>KR    |
| <i>Title: METHOD AND DEVICE FOR MODIFYING THE IRRADIANCE DISTRIBUTION OF A RADIATION SOURCE</i> |                                     |   |                                     |                       |                   |              |
| <i>Remarks: PUB FEE</i>   |                                     |   |                                     |                       |                   |              |
| 22-Aug-2004<br>Final  | NOA XXX<br>NOA                      | 0365-0538 /<br>United States of America | Published<br>Seppo Laine Oy         | [REDACTED]            | 19-Aug-2002       | LRS<br>KR    |
| <i>Title: PROPYLENE POLYMERS WITH AN ULTRA HIGH MELT FLOW RATE</i>                              |                                     |   |                                     |                       |                   |              |
| 22-Aug-2004<br>Due Date   | NOA X<br>NOA                        | 0365-0546 /<br>United States of America | Published<br>Seppo Laine Oy         | [REDACTED]            | 30-Sep-2002       | LRS<br>KR    |
| <i>Title: PROCESS FOR PRODUCING A POLYETHYLENE COATING ON A SUBSTRATE</i>                       |                                     |   |                                     |                       |                   |              |
| <i>Remarks: Advisory Action mailed 8/12/04</i>  |                                     |   |                                     |                       |                   |              |
| 23-Aug-2004<br>Due Date   | AMENDMENT XX<br>OA1                 | 0147-0215 /<br>United States of America | Pending<br>VOSSIUS & PARTNER        | [REDACTED]            | 23-Feb-2001       | LRS<br>KR    |
| <i>Title: TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR</i>   |                                     |   |                                     |                       |                   |              |
| Slow Pay - See Managing Partner   |                                     |   |                                     |                       |                   |              |
| 23-Aug-2004<br>Final  | NOA XXX<br>NOA                      | 0365-0538 /<br>United States of America | Published<br>Seppo Laine Oy         | [REDACTED]            | 19-Aug-2002       | LRS<br>KR    |
| <i>Title: PROPYLENE POLYMERS WITH AN ULTRA HIGH MELT FLOW RATE</i>                              |                                     |   |                                     |                       |                   |              |
| 23-Aug-2004<br>Final  | TO BE FILED ACTUAL-LAST DAY<br>TBFA | 0459-0593 /<br>United States of America | PENDING<br>PLOGGMANN & VINGTOFT A/S | [REDACTED]            | 30-Apr-2001       | LRS<br>KR    |
| <i>Title: BINDER SYSTEMS DERIVED FROM AMORPHOUS SILICA AND BASES</i>                            |                                     |   |                                     |                       |                   |              |
| <i>Remarks: FILE CONTINUATION per e-mail dated 8-19-04</i>                                      |                                     |   |                                     |                       |                   |              |
| Slow Pay - See Managing Partner   |                                     |   |                                     |                       |                   |              |

Action Attorney(Attorney2): LRS LEONARD R. SVENSSON

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23-AUG-2004

| <b>Due Date</b>   | <b>Action Due Indicator</b>                             | <b>Action Type</b>          | <b>Docket Number/SubCase Country</b>      | <b>Status Client</b>         | <b>App Number Pat Number</b> | <b>App Date Iss Date</b> | <b>Other Atty's</b> |
|---|---|-----------------------------|---|------------------------------|------------------------------|--------------------------|---------------------|
| 23-Aug-2004   | CONVERT PROV-1 Month call-up<br>Reminder                | File Application            | 2750-1577 /<br>United States of America   | Pending [REDACTED]           | [REDACTED]                   | 23-Sep-2003              | LRS<br>SWG          |
| <i>Title:</i> Promoter, Promoter Control Elements, and Combinations, and Uses Thereof   |   |                             |   |                              |                              |                          |                     |
| Slow Pay - See Managing Partner   |   |                             |   |                              |                              |                          |                     |
| 23-Aug-2004   | Foreign Filing-1Month<br>Reminder                       | Foreign Filing              | 2750-1577 /<br>United States of America   | Pending [REDACTED]           | [REDACTED]                   | 23-Sep-2003              | LRS<br>SWG          |
| <i>Title:</i> Nucleotide Sequences and Polypeptides Encoded Thereby Useful for Modifying Plant Characteristics  |   |                             |   |                              |                              |                          |                     |
| Slow Pay - See Managing Partner   |   |                             |   |                              |                              |                          |                     |
| 23-Aug-2004   | CONVERT PROV-1 Month call-up<br>Reminder                | File Application            | 2750-1578 /<br>United States of America   | Pending [REDACTED]           | [REDACTED]                   | 23-Sep-2003              | LRS<br>SWG          |
| <i>Title:</i> Nucleotide Sequences and Polypeptides Encoded Thereby Useful for Modifying Plant Characteristics  |   |                             |   |                              |                              |                          |                     |
| Slow Pay - See Managing Partner   |   |                             |   |                              |                              |                          |                     |
| <b>Action Attorney(Attorney2): MAA MARYANNE ARMSTRONG</b>   |   |                             |   |                              |                              |                          |                     |
| 21-Aug-2004   | Information Disclosure Stmt<br>Due Date                 | Information Disclosure Stmt | 2428-0120 / 2<br>United States of America | Pending [REDACTED]           | [REDACTED]                   | 21-May-2004              | GMM<br>MAA          |
| <i>Title:</i> GENETIC TRANSFORMATION USING A PARP INHIBITOR   |   |                             |   |                              |                              |                          |                     |
| 22-Aug-2004   | CALL UP<br>Reminder                                     | CU                          | 0234-0441 /<br>United States of America   | Published Iida Patent Office | [REDACTED]                   | 04-Feb-2002              | MSW<br>MAA          |
| <i>Title:</i> IH-PYRROLO-[1,2-B][1,2,4]TRIAZOLE COMPOUND AND ITS SYNTHETIC INTERMEDIATE, AND METHOD OF PREPARING A IH-1,2, 4-TRIAZOLE-5-YL-ACETIC ACID ESTER COMPOUND |   |                             |   |                              |                              |                          |                     |
| <i>Remarks:</i> Check on PD ack per Sam 7/26/04   |   |                             |   |                              |                              |                          |                     |
| Slow Pay - See Managing Partner   |   |                             |   |                              |                              |                          |                     |
| 22-Aug-2004   | IDS Reminder<br>Information Disclosure Stmt<br>Reminder | IDS Reminder                | 3749-0103 / 1<br>United States of America | Pending NOMURA & MAYAMA      | [REDACTED]                   | 22-Jun-2004              | MAA<br>MAA          |
| <i>Title:</i> METHOD OF CONSTRUCTING CHIMERIC PLANT BY HEAVY ION BEAM IRRADIATION   |   |                             |   |                              |                              |                          |                     |

To: 23-Aug-2004

| Due Date Indicator  | Action Due Action Type                           | Docket Number/SubCase Country             | Status Client                     | App Number Pat Number    | App Date Iss Date | Other Atty's |
|---|--|---|-----------------------------------|--------------------------|-------------------|--------------|
| 23-Aug-2004<br>Reminder   | CONVERT PROV-1 Month call-up<br>File Application | 2959-0106 /<br>United States of America   | Pending<br>[REDACTED]             | [REDACTED]<br>[REDACTED] | 23-Sep-2003       | CG<br>MAA    |
| <i>Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES</i>  |  |   |                                   |                          |                   |              |
| 23-Aug-2004<br>Reminder   | Foreign Filing-1Month<br>Foreign Filing          | 2959-0106 /<br>United States of America   | Pending<br>[REDACTED]             | [REDACTED]<br>[REDACTED] | 23-Sep-2003       | CG<br>MAA    |
| <i>Title: TANDEM POLYMERIC NUCLEIC ACID HYBRIDIZATION PROBES</i>  |  |   |                                   |                          |                   |              |
| 23-Aug-2004<br>Due Date   | NOA XX<br>NOA                                    | 3672-0111 /<br>United States of America   | Pending<br>[REDACTED]             | [REDACTED]<br>[REDACTED] | 08-Jun-2001       | MKM<br>MAA   |
| <i>Title: A MEANS FOR ELECTRICAL CONTACTING OR ISOLATION OF ORGANIC OR INORGANIC SEMICONDUCTORS AND A METHOD FOR ITS...</i> |  |   |                                   |                          |                   |              |
| <i>Remarks: Advisory Action mailed 7/2/04</i>   |  |   |                                   |                          |                   |              |
| 23-Aug-2004<br>Reminder   | RENEWED PETITION                                 | 4565-0106 /<br>United States of America   | Pending<br>[REDACTED]             | [REDACTED]<br>[REDACTED] | 03-Oct-2003       | CG<br>MAA    |
| <i>Title: IMMUNOTHERAPEUTIC COMBINATIONS FOR THE TREATMENT OF TUMOURS THAT OVER-EXPRESS GANGLIOSIDES</i>                    |  |   |                                   |                          |                   |              |
| <i>Remarks: Decision on Petition mailed 7-23-04 (dismissed)<br/>EOT available under 37 CFR 1.136(a)</i>                     |  |   |                                   |                          |                   |              |
| <i>Slow Pay - See Managing Partner</i>  |  |   |                                   |                          |                   |              |
| <i>Action Attorney(Attorney2): RCS RAYMOND C. STEWART</i>   |  |   |                                   |                          |                   |              |
| 22-Aug-2004<br>Reminder   | PERFECT FILING                                   | 0446-0166 / 1<br>United States of America | Pending<br>Davies Collison Cave   | [REDACTED]<br>[REDACTED] | 22-Jul-2004       | RCS<br>RCS   |
| <i>Title: DESULFURISATION OF FUEL</i>   |  |   |                                   |                          |                   |              |
| 23-Aug-2004<br>Reminder   | PERFECT FILING                                   | 0446-0167 / 1<br>United States of America | Pending<br>Davies Collison Cave   | [REDACTED]<br>[REDACTED] | 23-Jul-2004       | RCS<br>RCS   |
| <i>Title: A METHOD OF PRODUCING AN ANTICOAGULATION EFFECT</i>   |  |   |                                   |                          |                   |              |
| <i>Action Attorney(Attorney2): RG RICHARD J. GALLAGHER</i>  |  |   |                                   |                          |                   |              |
| 21-Aug-2004<br>Due Date   | NOA X<br>NOA                                     | 0171-0902 /<br>United States of America   | Published<br>Kojima Patent Office | [REDACTED]<br>[REDACTED] | 09-Oct-2002       | GMM<br>RG    |
| <i>Title: PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM</i>                            |  |   |                                   |                          |                   |              |
| <i>Remarks: Advisory Action mailed 8/11/04</i>  |  |   |                                   |                          |                   |              |






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| Due Date    | Action Due         | Docket Number/SubCase  | Status               | App Number | App Date    | Other  |
|-------------|--------------------|--|----------------------|------------|-------------|--------|
| Indicator   | Action Type        | Country  | Client               | Pat Number | Iss Date    | Atty's |
| 21-Aug-2004 | TO BE FILED        | 0171-0902 /  | Published            |            | 09-Oct-2002 | GMM    |
| Due Date    | TBF                | United States of America   | Kojima Patent Office |            |             | RG     |
|             |                    | Title: PHOTO-CURABLE RESIN COMPOSITION, PATTERNING PROCESS, AND SUBSTRATE PROTECTING FILM  |                      |            |             |        |
|             |                    | Remarks: FILE RCE per fax dated 8-19-04  |                      |            |             |        |
| 21-Aug-2004 | TRANSLATION-3MONTH | 0283-0176 /  | CONVERTED            |            | 21-Jul-2003 | RCS    |
| Reminder    | tran               | United States of America   | Tsukuni & Associates |            |             | RG     |
|             |                    | Title: TREATMENT OF PARKINSON'S DISEASE AND ENHANCEMENT OF DOPAMINE SIGNAL USING PDE10 INHIBITOR   |                      |            |             |        |
| 21-Aug-2004 | AMENDMENT X        | 0425-0763 /  | Pending              |            | 14-Jun-2000 | RCS    |
| Due Date    | OAI                | United States of America   | FURUYA & CO.         |            |             | RG     |
|             |                    | Title: INFLATOR PROCESSING APPARATUS AND METHOD OF JUDGING CHARGE OF INFLATOR  |                      |            |             |        |
| 21-Aug-2004 | ISSUE FEE-1 MONTH  | 0425-0842 /  | Pending              |            | 13-Jun-2001 | TCB    |
| Reminder    | IF                 | United States of America   | FURUYA & CO.         |            |             | RG     |
|             |                    | Title: HYBRID INFLATOR   |                      |            |             |        |
| 23-Aug-2004 | ISSUE FEE-2 DAYS   | 0171-0845 /  | Published            |            | 25-Apr-2002 | GMM    |
| Reminder    | IF                 | United States of America   | Kojima Patent Office |            |             | RG     |
|             |                    | Title: YOKE COMPONENT OF VOICE COIL MOTOR FOR HARD DISK DRIVE, METHOD OF DEBURRING YOKE COMPONENT, AND VOICE COIL MOTOR USING YOKE COMPONENT |                      |            |             |        |
|             |                    | Remarks: PUB FEE   |                      |            |             |        |
| 23-Aug-2004 | ISSUE FEE-1 MONTH  | 0249-0123 /  | Pending              |            | 21-Aug-2002 | RCS    |
| Reminder    | IF                 | United States of America   |                      |            |             | RG     |
|             |                    | Title: METHOD AND APPARATUS FOR PREPARING PAPER PULP FROM USED PAPER   |                      |            |             |        |
|             |                    | Remarks: DIV?  |                      |            |             |        |
| 23-Aug-2004 | TO BE FILED        | 0425-0911 /  | Published            |            | 06-May-2002 | RCS    |
| Due Date    | TBE                | United States of America   | FURUYA & CO.         |            |             | RG     |
|             |                    | Title: GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS   |                      |            |             |        |
|             |                    | Remarks: FILE DIVISIONAL per fax dated 7-21-04   |                      |            |             |        |

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| Due Date Indicator                                     | Action Due Action Type                           | Docket Number/SubCase Country  | Status Client  | App Number Pat Number   | App Date Iss Date | Other Atty's |
|--|--|--|--|---|-------------------|--------------|
| 23-Aug-2004<br>Reminder                                | ISSUE FEE-1 MONTH<br>IF                          | 0425-0911 /<br>United States of America  | Published<br>FURUYA & CO.  |  | 06-May-2002       | RCS<br>RG    |
|  |  | <i>Title: GAS GENERATOR FOR AIR BAG AND AIR BAG APPARATUS</i>  |  |   |                   |              |
|  |  | <i>Remarks: PUB FEE</i>  | DIV?   |   |                   |              |
| 23-Aug-2004<br>Reminder                                | Foreign Filing-1Month<br>Foreign Filing          | 3273-0179 /<br>United States of America  | Pending<br>Goto & Co. Patent Attorney  |  | 23-Sep-2003       | RCS<br>RG    |
|  |  | <i>Title: NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME</i> |  |   |                   |              |
| 23-Aug-2004<br>Reminder                                | CONVERT PROV-1 Month call-up<br>File Application | 3273-0179 /<br>United States of America  | Pending<br>Goto & Co. Patent Attorney  |    | 23-Sep-2003       | RCS<br>RG    |
|  |  | <i>Title: NOVEL ACID HALIDE DERIVATIVES, THEIR PRODUCTION, AND PRODUCTION OF INDANONECARBOXYLIC ACID ESTERS USING THE SAME</i> |  |   |                   |              |
| <b>Action Attorney(Attorney2): SWG SUSAN W. GORMAN</b> |  |  |  |   |                   |              |
| 21-Aug-2004<br>Reminder                                | SPECIAL LETTER<br>SPL 1                          | 1718-0207 /<br>United States of America  | Published<br> |    | 28-Feb-2003       | LRS<br>SWG   |
|  |  | <i>Title: NON-NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITORS</i>  |  |   |                   |              |

ADM



UNITED STATES PATENT AND TRADEMARK OFFICE

3885-102P

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov



Paper No.

Andrew D. Meikle  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

JUL 22 2004

In re Application of:  
Yamada, *et al.*  
Application No. 10/046,739  
Filed: January 17, 2002  
For: THIN-FILM CRYSTAL WAFER  
HAVING PN JUNCTION AND  
METHOD FOR FABRICATING THE  
WAFER

DECISION ON PETITION TO  
WITHDRAW HOLDING OF  
ABANDONMENT

REVIEWED BY  
DOCKETING

mm 7-26-04

This is a decision on the petition filed on August 20, 2003, to withdraw the holding of abandonment of the above-identified application. A petition fee is not required.

The petition is **granted**.

Petitioner asserts that the Office action of November 20, 2002, was not received. The petition included a statement from the practitioner that the undersigned made a complete search of the file jacket and docketing records to establish non-receipt of the Office action. In addition, the petition included a copy of the docket records of the practitioner where the non-received Office action would have been entered had it been received by the practitioner.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. '711.03(c).



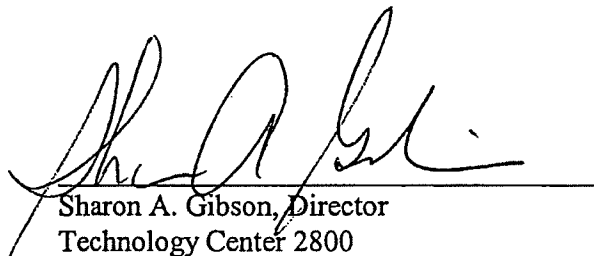
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing of the November 20, 2002, Office action. The statutory periods for response set therein will be reset to run three months from the date the Office action is re-mailed.

The \$130.00 petition fee charged to applicant's account will be credited to applicant's deposit account no. 02-2448.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.



---

Sharon A. Gibson, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

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# Fax Cover Sheet

Date: 04 Apr 2005

|  |                                |
|--|--------------------------------|
| To: Mr. Andrew Melke   | From: Vikki H. Trinh           |
| Application/Control Number: 0/046,739  | Art Unit: 2814                 |
| Fax No.: 703-205-8050  | Phone No.: 571-272-1719        |
| Voice No.: (703) 205-8000  | Return Fax No.: (571) 273-1719 |
| Re:  | CC:                            |
| <input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request |                                |

**Comments:**

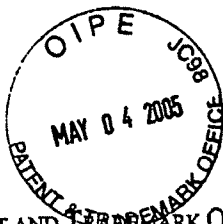
Enclosed is a copy of a new Notice of Abandonment, which will be sent to you, and a copy of the Office Action sent on July 23, 2004.

Number of pages \_\_ including this page

**STATEMENT OF CONFIDENTIALITY**

This facsimile transmission is a Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

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P.O. Box 1450  
Alexandria VA 22313-1450



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/046,739      | 01/17/2002  | Hisashi Yamada       | 3885-0101P          | 2551             |

2292 7590 17/23/2004

BIRCH STEWART KOI ASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

TRINH, HOA B

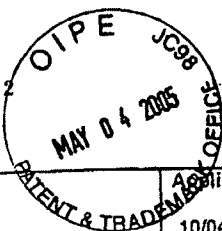
ART UNIT

PAPER NUMBER

2814

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

10/046,739

Applicant(s)

YAMADA ET AL.

Examiner

Vikki H Trinh

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See: 7 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 10/046,739  
Art Unit: 2814

Page 2

**DETAILED ACTION***Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-5, drawn to a device, classified in class 257, subclass 565.
  - II. Claims 6-11, drawn to a method, classified in class 438, subclass 500+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other than a materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make by another materially different product such as an LED display device.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

Page 3

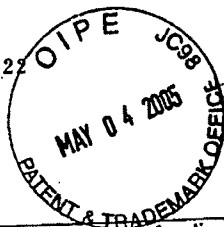
Application/Control Number: 10/046,739  
Art Unit: 2814

application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-7708.

  
Vikki Trinh,  
Patent Examiner  
AU 2814

November 17, 2002

**Notice of Abandonment**

Application No.

10/046,739

Examiner

Vikki H. Trinh

Applicant(s)

YAMADA ET AL.

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ with a Certificate of Mailing or Transmission dated \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.125(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:  
  
There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND  
METHOD FOR FABRICATING THE WAFER

LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ Petition for \_\_\_\_\_ (\_\_\_\_) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

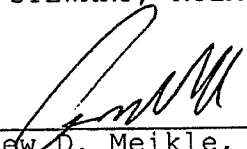


fees required under 37 C.F.R. §§1.16 or 1.17; particularly,  
extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
\_\_\_\_\_  
Andrew D. Meikle, #32,868

ADM:gmh  
3885-0102P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)



PATENT  
3885-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hisashi YAMADA et al. Conf.: 2551  
Appl. No.: 10/046,739 Group: 2814  
Filed: January 17, 2002 Examiner: H. TRINH  
For: THIN-FILM CRYSTAL WAFER HAVING pn JUNCTION AND  
METHOD FOR FABRICATING THE WAFER

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2005

Sir:

In reply to the Restriction Requirement received April 4, 2005, via facsimile, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes: Remarks.

REMARKS

Claims 1-11 are pending in the above-identified application.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. 121 as follows:

**Group I** - claims 1-5 directed to a device; and

**Group II** - claims 6-11, directed to a method for making the device of the claims of Group I.

Election

Applicants hereby elect the claims of Group I, i.e. claims 1-5. This election is made with a traversal.

Reasons for Traversal of Restriction Requirement

It is respectfully submitted that the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I. For example, the method steps recited in claim 6 require the formation of a base layer, a thin film layer and an emitter layer which have the same composition and properties as recited for the corresponding layers in elected claim 1. The reason indicated for the restriction requirement that the method recited in the claims of Group II may be used to form a "materially different product" is

not understood in that it appears the same product having the same properties is indeed formed by the method of non-elected group II claims. Consequently, it is submitted that there is no significant burden placed on the Examiner to examine all of the subject matter of all of the claims pending in the present application such that the Restriction Requirement should be withdrawn.

Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM:gmh

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
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| APPLICATION NO.               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/046,739                    | 01/17/2002  | Hisashi Yamada       | 3885-0101P          | 2551             |
| 2292                          | 7590        | 04/08/2005           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH |             |                      | TRINH, HOA B        |                  |
| PO BOX 747                    |             |                      | ART UNIT            |                  |
| FALLS CHURCH, VA 22040-0747   |             |                      | PAPER NUMBER        |                  |
|                               |             |                      | 2814                |                  |

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

111

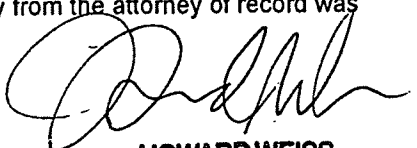
|                              |                 |               |  |
|------------------------------|-----------------|---------------|--|
| <b>Notice of Abandonment</b> | Application No. | Applicant(s)  |  |
|                              | 10/046,739      | YAMADA ET AL. |  |
|                              | Examiner        | Art Unit      |  |
|                              | Vikki H. Trinh  | 2814          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 July 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
    - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
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4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

There was no reply to the Office Action sent on July 23, 2004. A status of inquiry from the attorney of record was received in the file after six months from the date of the Office Action.

  
**HOWARD WEISS**  
**PRIMARY EXAMINER**

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

1 Fee



**MS PETITION**  
Docket No.: 3885-0102P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN  
JUNCTION AND METHOD FOR FABRICATING  
THE WAFER

Examiner: H. B. Trinh

**STATUS INQUIRY**

**MS Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive a Response for the Petition to Withdraw Abandonment filed on July 15, 2005 in the Patent and Trademark Office.

Dated: March 13, 2006

Respectfully submitted,

By

Andrew D. Mingle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

**MS PETITION**  
Docket No.: 3885-0102P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Hisashi YAMADA et al.

Application No.: 10/046,739

Confirmation No.: 2551

Filed: January 17, 2002

Art Unit: 2814

For: THIN-FILM CRYSTAL WAFER HAVING PN  
JUNCTION AND METHOD FOR FABRICATING  
THE WAFER

Examiner: H. B. Trinh

**SECOND STATUS INQUIRY**

**MS Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive a Response for the Petition to Withdraw Abandonment filed on July 15, 2005 in the Patent and Trademark Office.

Dated: May 22, 2009

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant





## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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 Alexandria, VA 22313-1450  
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BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

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JUL 30 2009

OFFICE OF PETITIONS

|                                |   |                      |
|--------------------------------|---|----------------------|
| In re Application of           | : |                      |
| Hisashi Yamada, et al.         | : |                      |
| Application No. 10/046,739     | : | DECISION ON PETITION |
| Filed: January 17, 2002        | : |                      |
| Attorney Docket No. 3885-0102P | : |                      |

This is a decision on the petition, filed May 4, 2005, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 23, 2004. A Notice of Abandonment was mailed April 8, 2005. In response, on May 4, 2005, the present petition was filed.

Petitioner asserts that the Office action dated July 23, 2004 was not received.

A review of the application file reveals no irregularities in the mailing of the Office action of July 23, 2004. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Office action, petitioner must submit evidence to overcome this presumption. The following showing is required:

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if an one month

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if an one month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date one month from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with the evidence provided.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 2814 for appropriate action in the normal course of business on the reply received May 4, 2005.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/046,739      | 01/17/2002  | Hisashi Yamada       | 3885-0102P          | 2551             |

|                               |      |            |
|-------------------------------|------|------------|
| 2292                          | 7590 | 10/28/2009 |
| BIRCH STEWART KOLASCH & BIRCH |      |            |
| PO BOX 747                    |      |            |
| FALLS CHURCH, VA 22040-0747   |      |            |

|             |  |
|-------------|--|
| EXAMINER    |  |
| NGO, NGAN V |  |

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 2893     |              |

|                   |               |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
| 10/28/2009        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/046,739 | <b>Applicant(s)</b><br>YAMADA ET AL. |  |
|                              | <b>Examiner</b><br>Ngan Ngo          | <b>Art Unit</b><br>2893              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
     4a) Of the above claim(s) 6-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020117</u> . | 6) <input type="checkbox"/> Other: ____.  |

The election filed July 15, 2005 has been entered and made of record as paper no. 20050715.

Applicant's election with traverse of claim 1-5 in the reply filed on July 15, 2005 is acknowledged. The traversal is on the ground(s) that "the search and examination for the presently elected Group I (claims 1-5) substantially overlaps with that of the non-elected Group II subject matter directed to a method for forming the device of elected Group I ". This is not found persuasive because the search might overlap but not coextensive. The search of group I does not require to search "a heterojunction bipolar transistor" as recited in Group II.

The requirement is still deemed proper and is therefore made FINAL.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "the first and second crystal layer...forms a heterojunction" is not understood. If the "thin film layer" is formed between (at an interface of the heterojunction) the first and second crystal layer, then there is no "heterojunction" between the first and the second crystal layers; the first and the second crystal layers are separated from each other by the "thin film layer".

Any inquiry concerning this communication should be directed to Examiner Ngan Ngo at telephone number (571) 272-1711. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ngan Ngo/

Primary Examiner, Art Unit 2893

Ngan Ngo

October 26, 2009

|                                   |                                       |   |             |
|-----------------------------------|---------------------------------------|---|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>10/046,739 | Applicant(s)/Patent Under<br>Reexamination<br>YAMADA ET AL. |             |
|                                   | Examiner<br>Ngan Ngo                  | Art Unit<br>2893  | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name                | Classification |
|---|---|--|-----------------|---------------------|----------------|
| * | A | US-5,351,256 A                                   | 09-1994         | Schneider et al.    | 372/45.011     |
| * | B | US-5,766,981 A                                   | 06-1998         | Thornton et al.     | 438/36         |
| * | C | US-5,811,844 A                                   | 09-1998         | Kuo et al.          | 257/194        |
| * | D | US-5,844,261 A                                   | 12-1998         | Kuo et al.          | 257/194        |
| * | E | US-5,844,260 A                                   | 12-1998         | Ohori, Tatsuya      | 257/190        |
| * | F | US-2002/0031853 A1                               | 03-2002         | Fujimoto, Hidetoshi | 438/48         |
| * | G | US-2002/0118720 A1                               | 08-2002         | Ebeling et al.      | 372/96         |
| * | H | US-2003/0064538 A1                               | 04-2003         | Fujimoto, Hidetoshi | 438/48         |
| * | I | US-2003/0170927 A1                               | 09-2003         | Holonyak et al.     | 438/47         |
| * | J | US-7,122,846 B2                                  | 10-2006         | Kish et al.         | 257/96         |
| * | K | US-7,208,770 B2                                  | 04-2007         | Kish et al.         | 257/96         |
|   | L | US-  |                 |                     |                |
|   | M | US-  |                 |                     |                |

**FOREIGN PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
|   | N |  |                 |         |      |                |
|   | O |  |                 |         |      |                |
|   | P |  |                 |         |      |                |
|   | Q |  |                 |         |      |                |
|   | R |  |                 |         |      |                |
|   | S |  |                 |         |      |                |
|   | T |  |                 |         |      |                |

**NON-PATENT DOCUMENTS**

| * |   | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
|   | U |   |
|   | V |   |
|   | W |   |
|   | X |   |

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.